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November 14, 2024

**VIA ECF**

Honorable Ronnie Abrams  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, NY 10007

Re: *Elsun Wheeler, et al. v. City of New York, et. al.*  
24 CV 469 (RA)

Your Honor:

I am a Senior Counsel in the Office of Muriel Goode-Trufant, Acting Corporation Counsel of the City of New York, and attorney for defendant City of New York (“City”) in the above-referenced matter. Defendant writes to respectfully request a ninety (90) day extension of time, from November 15, 2024 to February 13, 2024 to complete discovery. To the extent the Court is inclined to grant the within request, Defendant City also respectfully requests a corresponding adjournment of the remaining discovery deadlines, as set forth below, and an adjournment of the November 22, 2024 post discovery conference, to a date and time convenient for the Court after February 13, 2024. This is the first request for an extension of discovery deadline and plaintiffs’ counsel, Sarah Wolkensdorfer, consents to this request.

By way of background, plaintiffs bring this action, pursuant to 42 U.S.C. 1983, against defendants City and New York City Department of Correction Officers Tai and McNeil , alleging, inter alia, that on October 24, 2022, they were subjected to excessive force by the defendant officers. *See* Docket Entry No. 1. On July 19, 2024, an Initial Conference was held at which time a discovery schedule was set.

The reason for this request is that the parties need additional time to complete paper discovery and depositions. At this time, the parties have exchanged Initial Disclosures and some paper discovery. To date, defendant is still awaiting receipt of outstanding documents that have previously been requested. Additionally, as the Your Honor is aware, the parties have also been working diligently to identify any John Doe defendants. To that end, plaintiff requested an

extension of time to amend as there was difficulty obtaining and converting the video footage files into a playable format, which has since been resolved. *See* Docket Entry No. 17. The Court granted that request and extended the time to amend until October 17, 2024. *See* Docket Entry No. 18. Plaintiff then requested an additional extension of time to amend the complaint until November 18, 2024, which the Court granted. *See* Docket Entry Nos. 19, 20. Thus, given the procedural posture of the matter, the requested extension of time, if granted, will allow for the parties to conduct any further necessary discovery and depositions, once the complaint is amended. Finally, the undersigned will be leaving the office and this case will have to be reassigned. Thus, the extension, if granted will also allow the newly assigned attorney time to familiarize themselves with the case. Therefore, the parties believe that an additional ninety days, until February 13, 2025, to complete discovery should be sufficient. Finally, the undersigned apologizes for the lateness of this request as it was due to an oversight in scheduling.

For the foregoing reasons, Defendant City respectfully request a ninety (90) day extension of time, from November 15, 2024 to February 13, 2025, to complete discovery and a corresponding adjournment of the remaining discovery deadlines and the post discovery conference currently scheduled for November 22, 2024. Defendant City has attached an updated copy of the Case Management Plan and Scheduling Order.

Thank you for your consideration of the instant application.

Respectfully submitted,

/s/ Niki Slattery

Niki Slattery  
Senior Counsel

To: **VIA ECF**  
Sara J. Wolkensdorfer  
*Attorney for Plaintiffs*